

**Conservation Commission Meeting Minutes
November 6, 2013**

Members Present: Louis A. Napoli, Chairman; Joseph W. Lynch, Jr., Vice Chairman; John T. Mabon; Sean F. McDonough (arrived 7:10 p.m.); Douglas W. Saal.

Members Absent: Deborah A. Feltovic; Albert P. Manzi, Jr.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator; Heidi M. Gaffney, Conservation Field Inspector; Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:05 PM Quorum Present.

Public Meeting at: 7:06 PM

Small Project

NACC #122, 245 Boxford Street (Rogers) (Northstar Land Survey Services)

- The applicant Carol Rogers of 245 Boxford Street is present.
- The administrator discusses the applicants desire to replace two existing decks.
- A motion to consider the project as a small project "A" is made by Mr. Lynch, seconded by Mr. Mabon
- A motion to approve the small project 4.4.2.A as presented is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- ***Documents:***
- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Copy of Town Check*
- *Proposed decks plan dated 8/26/13*
- *Letter from J.L. Ward Construction dated 10/21/13*
- *Photo dated 11/5/13*

Public Hearings: 7:08 PM

Request for Determination of Applicability

164 Mill Road (Langston) (Northstar Land Survey Services)

- The applicant Steven Langston of 164 Mill Road is present.
- Mr. Lynch read the legal notice.
- The field inspector discusses that the applicant wishes to install an 8' x 8' shed, however upon inspection for the building permit it was discovered that work including grading and a patio had occurred within the buffer zone to the wetlands. The applicant is also seeking

after-the-fact approval for those activities. The applicant has paid the appropriate triple filing fee.

- Mr. Mabon states that he agrees with the filing.
- Mr. Lynch asks about the grading and how much fill has been added.
- The field inspector states that the grading is minor and is just the material that was removed for the placement of the patio.
- A motion to issue a negative determination #3 is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.
- **Documents:**
- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Work Description*
- *NHESP Map dated 10/30/13*
- *USGS Map dated 10/30/13*
- *Certified Abutter's List dated 9/9/13*
- *Notification to Abutter's Form*
- *Copy of Town Check*
- *Wetland Delineation Plan dated 9/25/13*
- *Photos dated 11/5/13*

Notice of Intent (NOI)

242-1610, 303 Abbott Street (Lot 3) (Boberin, LLC) (Wetland & Land Management, Inc) (cont. from 10/23/13)

- The administrator states the applicant has submitted new plans showing a stonewall at the no-disturb zone, relocation of the roof drywell and construction entrance fencing but stairs not shown for the deck and should be conditioned.
- The administrator discusses the need for catch basin protection and maintenance.
- The commission states that this should be noted on the plan.
- A motion to close and issue a decision within 21 days is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.
- **Document:**
- *Site Plan revised dated 10/28/13*

242-1604, 288 Sutton Street (Smolak) (Sullivan Engineering Group, LLC) (cont. from 10/23/13)

- John Sullivan of Sullivan Engineering Group, LLC is present.
- The administrator briefly discusses the changes to the project.
- Mr. Sullivan reviews the revised plan and states that the changes reflect the previous discussion with the commission. Mr. Sullivan discusses that he has included a check list for the home owners association to use for storm water maintenance.

- A motion to close and issue a decision within 21 days is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- **Documents:**
- *Form from Sullivan Engineering Group, LLC dated 11/6/13*
- *Matthews Way, North Andover*
- *Homeowners Association Stormwater BMP Requirements & Checklist*
- *Requirement for routine inspection and maintenance of Stormwater BMP's*
- *Inspection and Maintenance Report Checklist*
- *Definitive Plan Matthews Way Grading & Drainage Plan dated revised 6/22/11, revised 10/24/13.*

242-1612, 245 Boxford Street (Rogers) (Northstar Land Survey Services)

- The applicant Carol Rogers of 245 Boxford Street is present.
- Mr. McDonough read the legal notice.
- The administrator discusses the project and states that the applicant proposes to construct an addition on a full foundation. Only a small portion of the addition will be within the buffer zone, however the access will be within the buffer zone.
- Mr. Lynch asks about stabilizing the construction access.
- Mr. Saal states that something should be put over the ground for the trucks to drive over.
- The administrator states that any erosion would be contained by the erosion controls.
- Mrs. Rogers states the work would not start until spring time.
- Mr. Lynch states that erosion controls should be extended across the access area and moved only during the day when construction is active.
- Mr. Napoli states that the construction access looks to be wider than necessary and should be reduced if possible.
- A motion to close and issue a decision within 21 days is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.
- **Documents:**
- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *NOI Wetland Fee Transmittal Form*
- *Copy of State and Town Checks*
- *NHESP Map*
- *USGS Map*
- *FEMA Map dated 7/12/12*
- *Project Narrative to Accompany Notice of Intent dated 10/13/13*
- *Notification to Abutter's Form*
- *Certified Abutter's List dated 9/30/13*
- *Plan of Land dated 10/23/13*
- *Photos dated 11/5/13*

**242-1613, 190 Academy Road (North Parish Church) (Christiansen & Sergi, Inc.)
(Request to cont. to 11/20/13)**

- Mr. McDonough reads the legal ad.
- The administrator states that the applicant requests a continuance.
- A motion to grant the request for a continuance to November 20, 2013 meeting is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.
- **Document:**
- *E/Mail from Christiansen & Sergi, Inc. requesting a continuance to November 20, 2013 dated 11/6/13*

General Business: 7:40 PM

242-1467, Request for Partial Bond Release, 1275 Turnpike Street (Brightview North Andover, LLC) (Marchionda & Associates, L. P) (cont. from 10/23/13) (Request to cont. to 11/20/13)

- A motion to grant the request for a continuance to November 20, 2013 meeting is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.
- **Document:**
- *E/Mail from Marchionda Associates, L. P. requesting a continuance to November 20, 2013 meeting dated 11/6/13*

242-1492, Modification Request, 1679 Osgood Street (Green & Company Real Estate) (Christiansen & Sergi, Inc.)

- Philip Christiansen of Christiansen & Sergi, Inc. and Michael Green of Green and Co. are present.
- The administrator discusses the modification requests.
- Mr. Christiansen discusses the proposed modification to Lot 4 and states that the modification is necessary due to a slow perc rate for the septic system which now has to be enlarged.
- Mr. Lynch discusses Lot 4 and the proposed modification with Mr. Christiansen and the administrator.
- Mr. McDonough discusses the need to protect the 25' No-disturb zone.
- The administrator states that he planning boards "no-cut" zone is more restrictive than the conservation commissions 25' No-disturb zone for this project.
- The administrator briefly discusses the proposed modification to Lot 5.
- Mr. Christiansen discusses the need for the modification on Lot 5.
- Mr. Napoli asks about the house needing to be so close to the "no-cut" and the potential future needs for the home owners to cut trees that may be too close to the house.
- Discussion ensues regarding Lot 5.
- The commission and Mr. Christiansen agree that the "no-cut" line should be moved to allow the trees closest to the house to be removed and a permanent barrier should be installed at the new "no-cut" line.

- A motion to issue the modification for lot 4 & lot 5 as discussed is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.
- **Documents:**
- *Letter from Christiansen & Sergi, Inc. dated 10/29/13*
- *Site Plan dated 10/24/13*
- *Alternative Site Plan dated 11/1/13*
- *Copy of Subdivision Plan 7/21/11*
- *Photos dated 11/5/13*

NACC#117, Modification Request, 50 Royal Crest Drive (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.)

- Kenneth Lania of Cornerstone Land Consultants, Inc. is present.
- The administrator briefly discusses the modification request.
- Mr. Lania states this modification request is for waterproofing Buildings 1 & 2, connecting to the existing drain manhole and replacing stairs.
- A motion to issue the modification for waterproofing and replacing the stairs is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.
- **Documents:**
- *Letter from Cornerstone Land Consultants, Inc. dated 10/30/13*
- *Site Plan Foundation Drainage Plan dated 10/30/13*
- *Photos 6/25/13*

242-1576, COC Request, 95 Thistle Road (Sullivan) (JM Associates)

- Gina Sullivan of 95 Thistle Road is present.
- The field inspector states the site fully stabilized and the as-built plans show that the work was conducted in compliance with the Order of Conditions.
- A motion to issue the COC is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.
- **Documents:**
- *Letter from JM Associates dated 10/24/13*
- *WPA Form 8A-Request for Certificate of Compliance*
- *Lot Plan dated 11/5/13*
- *Photos dated 11/4/13*

242-448, PCOC Request, 101 Bruin Hill Road (Lot 4) (Thoden) (Cossingham Law Office, PC)

- The field inspector states this is outside the 100-foot buffer zone.
- A motion to issue the PCOC for 101 Bruin Hill Road (Lot 4) only is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.
- **Documents:**
- *Letter from Cossingham Law Office, PC*

- *WPA Form 8A-Request for Partial Certificate of Compliance*
- *Plan of Land dated 8/4/88*
- *Topographic Plan dated 8/4/88*

242-634, PCOC Request, 43 Oxbow Circle (Lot 22A) (Robinson) (Broadhurst Tabit, LLP)

- Arthur Broadhurst of Broadhurst Tabit, LLP is present.
- The field inspector states that the house, fence location and limit of clearing appear to be in compliance with the Order and that there should be wetland markers installed on the fence. A patio has been installed at the rear of the house that is now within the 50' no-build zone. The patio is pervious in nature.
- The commission discusses the patio at length.
- The Conservation Commission discusses having the owner file an RDA with a waiver request to see if the patio can be allowed to be within the 50-foot No-Build zone.
- The commission states that the PCOC can't be issued at this time because the patio is not in compliance.
- No action taken on the PCOC.
- ***Documents:***
- *Letter from Broadhurst Tabit dated 10/24/13*
- *Letter from Hays Engineering, Inc. dated 11/19/09*
- *WPA Form 8A-Request for Partial Certificate of Compliance*
- *Copy of Town Check*
- *As-Built Plan dated 11/5/09*
- *Photos dated 11/5/13*

242-115, PCOC Request, 115 Johnnycake Street (McGeary) (Merrill & McGeary Attorneys at Law)

- The field inspector states the house was built 1985 but that there is very little information about specific lots and houses in the file. There are no wetlands on this lot. There is the potential for an off-site wetland to cast buffer zone onto a portion of this property.
- A motion to issue the PCOC for 115 Johnnycake Street (Lot 10) only is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.
- ***Documents:***
- *Letter from Merrill & McGeary Attorneys at Law*
- *WPA Form 8A-Request for Partial Certificate of Compliance*

242-1511, COC Request, 80 Dale Street (Massachusetts Electric Company) (VHB, Inc.)

- Matthew Kelley of VHB, Inc. is present.
- The administrator discusses the project.
- Mr. Kelley discusses the as-built deviations from the proposed project.
- A motion to issue the COC is made by Mr. Mabon, seconded by Mr. Lynch.
- 4 to 1 Vote (Mr. McDonough abstains)
- ***Documents:***
- *Letter from National Grid dated 11/6/13*

- *Photos dated 10/22/13*

**242-1571, COC Request, 49 Orchard Hill Road (AAA Southern New England)
(Frank S. Giles, II, Land Consulting)**

- The administrator states that the applicant requests to continue to allow for the removal of the erosion controls.
- A motion to grant the request for a continuance to November 20, 2013 meeting is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.
- **Document:**
- *E/Mail from Paul Shea requesting a continuance to November 20, 2013 meeting dated 11/6/13.*

242-1480, Modification Request, 14 Lorraine Avenue (Breenmore Realty Trust) (The Neve-Cameron Group, Inc.)

- Scott Cameron of The Neve-Cameron Group, Inc. is present.
- The administrator discusses the proposed modification.
- Mr. Cameron states that the modification is to install underground utilities with trenching on the side of the roadway. Installation conduit depth of wiring would be 8 feet deep PVC piping for utility connection to the new single-family dwelling.
- A motion to issue the modification is made by Mr. Mabon, seconded Mr. Lynch.
- Vote unanimous.
- **Documents:**
- *E/Mail from John Morin of The Neve-Morin Group, Inc. dated 10/30/13*
- *Plan of Land revised 6/26/13*

242-1591, COC Request, 110 Sutton Street (Carberry Trust) (The Neve-Cameron Group, Inc)

- The applicant Robert Carberry of KLC Realty Trust, Scott Cameron of The Neve-Cameron Group, Inc. is present.
- The administrator discusses the COC request.
- Mr. Cameron discusses that the work is in compliance and that he has discusses the snow storage with Lisa Eggleston of Eggleston Environmental and that she is agreeable to snow stockpiling being permitted in the sediment forebays and level spreader. The snow should not go past these facilities and closer to the River. Once capacity of these facilities is reached, snow must be stockpiled away from resource area or taken off site. Salt should not be used in the Riverfront Area. This condition shall be maintained in perpetuity.
- A motion to accept the modification of condition #56 as presented to allow storage of snow within forebay and level spreader is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to issue the COC is made by Mr. Lynch, seconded by Mr. Saal.
- Vote unanimous.
- **Documents:**
- *E/Mail from Scott P. Cameron of The Neve-Morin Group, Inc. dated 11/1/13*

- *E-Mail from Eggleston Environmental 10/28/13*
- *Letter from KLC Realty Trust dated 10/11/13*
- *WPA Form 8A-Request for Certificate of Compliance*
- *Copy of Town Check*
- *As-Built Plan of Land dated 10/11/13*
- *Photos dated 9/9/13*

Enforcement Order

NACC# 7, 80 Saile Way (Russell)

- The administrator discusses the Enforcement Order and states the as-built plan has been received. The owner has asked that a site visit be schedule for next week. Therefore this matter should be continued.
- A motion to grant the request for a continuance to the November 20, 2013 meeting is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Decisions

242-1611, 303 Abbott Street

- The administrator reviews the drafted Order of Conditions.
- The Commission amends the Order
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

242-1610, 303 Abbott Street

- The administrator reviews the drafted Order of Conditions.
- The Commission amends the Order
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Executive Session

- 242-784, North Andover Land Corporation (Abbott Village)
- A motion to go into executive session is made by Mr. Lynch, seconded by Mr. McDonough.
- Roll call vote, unanimous.

A motion to adjourn the meeting at: 9:50 PM is made by Mr. Lynch, seconded by Mr. McDonough
Vote unanimous.